

Hon. Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CAROL DIAZ,

Plaintiff,

vs.

DOLLAR TREE STORES, Inc., a foreign
corporation; DOLLAR TREE SOURCING
COMPANY LLC, a foreign corporation; and
DOLLAR TREE DISTRIBUTION, INC., a
foreign corporation,

Defendants.

No. 2:22-cv-1163

**STIPULATED MOTION AND ORDER
TO CONTINUE TRIAL**

NOTE ON MOTION CALENDAR:

APRIL __, 2023

I. REQUEST FOR RELIEF

COME NOW the parties, by and through their respective attorneys of record and hereby
and file this Agreed Motion for Continuance of the trial date and associated deadlines, and in
support, would show the Court as follows:

1. The discovery deadline is set for April 26, 2023.
2. Trial is currently scheduled for October 23, 2023.
3. The parties agree that due to the extended period of time it has taken to obtain discovery
from Plaintiff in this matter it is in the parties' best interests to continue the current trial date.
4. Plaintiff's counsel was on an extended paternity leave starting on November 9, 2022,
and while he has now returned to work, the lapse in time has prevented the parties from

conducting the discovery necessary to proceed to trial on the current trial date. Additionally, plaintiff Diaz has been ill with bronchitis since mid-February 2023.

5. Defendants served discovery requests on November 16, 2022 and responses were just recently produced by Plaintiff on April 7, 2023.

6. The parties agree that continuing the trial date will allow the parties a greater opportunity to fully investigate the alleged injuries and damages alleged by Plaintiff. This additional time will also provide the parties with a greater opportunity to resolve this matter through alternative dispute resolution rather than a costly and time consuming trial.

7. The parties agree that a continuance will not prejudice either party.

8. The parties also agree that continuing the trial date will allow for additional time with which to present the court with potentially dispositive motions that could serve to narrow the issues in dispute at trial.

9. The parties agree that the delay in discovery and the need for additional depositions and expert investigations constitutes good cause for continuing the current trial date.

Respectfully submitted,

DATED this 7th day of April, 2023.

DATED this 7th day of April, 2023.

LAW OFFICES OF DAVID S. ROTH

LEE SMART, P.S., INC.

By: David S. Roth, WSBA No. 12812
Of Attorneys for Plaintiff

By: /s/ Jeff M. Dore
Jeffrey P. Downer, WSBA No, 12625
Jeff M. Dore, WSBA No. 44951
Of Attorneys for Defendants

I. CERTIFICATE OF CONFERENCE

No conference is necessary since this is an agreed motion.

DATED this 7th day of April, 2023.

DATED this 7th day of April, 2023.

LAW OFFICES OF DAVID S. ROTH

LEE SMART, P.S., INC.

By: /s/ David S. Roth
David S. Roth, WSBA No. 12812
Of Attorneys for Plaintiff

By: /s/ Jeff M. Dore
Jeffrey P. Downer, WSBA No. 12625
Jeff M. Dore, WSBA No. 44951
Of Attorneys for Defendants

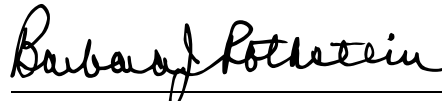
II. ORDER

The Court having considered the agreed motion of the parties, and deeming itself otherwise fully advised in the premises, the Court finds good cause for a 90-day extension of the trial and pretrial deadlines in this matter.

ORDERED, ADJUDGED AND DECREED that the trial is continued until January 22, 2024. The following deadlines are also continued by approximately 90 days:

Discovery shall be completed by July 25, 2023; all dispositive motions must be filed by August 24, 2023; all motions in limine must be filed by December 18, 2023; the Joint Pretrial Statement is due December 29, 2023; and the Pretrial Conference shall be held on January 8, 2024.

DATED this 10th day of April, 2023.


Barbara Jacobs Rothstein
U.S. District Court Judge

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2 Presented by:

3 LEE SMART, P.S., INC.
4

5 By: /s/ Jeff M. Dore

6 Jeffrey P. Downer, WSBA No. 12625

7 Jeff M. Dore, WSBA No. 44951

8 Of Attorneys for Defendants

9 LAW OFFICES OF DAVID S. ROTH

10 By: /s/ David S. Roth

11 David S. Roth, WSBA No. 12812

12 Of Attorneys for Plaintiff
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